



DISABILITY AND COMMUNICATION ACCESS BOARD

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INTERPRETIVE OPINION

Pursuant to §103-50, Hawaii Revised Statutes (HRS), all buildings and facilities constructed by, or on behalf of the State or any county, shall conform to the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and amendments. In accordance to HRS §103-50 and Chapter 11-217, Hawaii Administrative Rules, the Disability and Communication Access Board has authority to issue interpretive opinions to HRS §103-50 design standards.

Docket: **DCAB 2003-06:** In addition to the Fair Housing Act Accessibility Guidelines (the Guidelines), which of the following accessibility standards provide a safe harbor?

1. ICC/ANSI A117.1 (1998) used with the Fair Housing Act (FHA), Department of Housing and Urban Development's (HUD) regulations, and the Guidelines.
2. Code Requirements for Housing Accessibility 2000 (ICC/CHRA).
3. International Building Code 2000 and 2001 Supplement.

Summary: HRS §103-50 requires State and County housing to comply with the Fair Housing Act Accessibility Guidelines. Therefore, the Fair Housing Act Accessibility Guidelines will be used as the baseline for HRS §103-50 technical assistance reviews. If a safe harbor other than the Fair Housing Accessibility Guidelines is selected for use in a particular property, the housing must comply with all the provision of that selected safe harbor, and, if necessary, must exceed the selected safe harbor to comply with the Fair Housing Accessibility Guidelines in order for there to be a safe harbor and compliance with HRS §103-50.

Currently, HUD recognizes seven safe harbors for compliance with the Fair Housing Act's design and construction requirements. The safe harbors are:

1. The Fair Housing Act Accessibility Guidelines (issued on March 6, 1991), and the Supplemental Notice to Fair Housing Guidelines; Questions and Answers about the Guidelines (issued June 28, 1994).
2. ANSI A117.1 (1996), used with the FHAct, HUD's FHAct regulations, and the Guidelines.
3. CABO/ANI A117.1 (1992), used with the FHAct, HUD's FHAct regulations, and the Guidelines.
4. ICC/ANSI A117.1 (1998), used with the FHAct, HUD's FHAct regulations, and the Guidelines.
5. The Fair Housing Act Design Manual.
6. Code Requirements for Housing Accessibility 2000 (CRHA) published by the International Code Council in October, 2000.
7. International Building Code 2000, as amended by the IBC's 2001 Supplement to the International Codes.

It is important to note that the ANSI A117.1 standard contains only technical criteria, whereas the Fair Housing Act, the regulations and the Guidelines contain both scoping and technical requirements. Therefore, in using any of the ANSI standards it is necessary to also consult the Act, HUD's regulations, and the Guidelines.

HUD recognizes the CABO/ANSI A117.1 (1992) and ANSI A117.1 (1996) as safe harbors, but the Board decided not to include these standards in the list of safe harbors because these standards have been updated in the ICC/ANSI A117.1 (1998) version.

Ruling: For buildings or facilities subject to HRS §103-50,

Fair Housing Act

In addition to the Fair Housing Act Accessibility Guidelines (the Guidelines), the following accessibility standards provide a safe harbor.

1. ICC/ANSI A117.1 (1998) used with the Fair Housing Act (FHA), Department of Housing and Urban Development's (HUD) regulations, and the Guidelines.
2. The Fair Housing Act Design Manual as updated in 1998.
3. Code Requirements for Housing Accessibility 2000 (ICC/CHRA).
4. International Building Code 2000 and 2001 Supplement.

[Rul: 08/20] (Auth and Imp: HRS §103-50)

If you have any questions or comments regarding this ruling, please call us at 586-8121.